

ADE & COMPANY



ADRIAN D. BATTISON, B.Sc., F.I.P.I.C.
MICHAEL R. WILLIAMS, B.Sc. Ph.D., A.I.P.I.C.
RYAN W. DUPUIS, B.Sc. A.I.P.I.C.

Technical Assistants

JAMES A. BATTISON, A.I.P.I.C.

Consultants

RONALD S. ADE, L.L.B. TRADE MARK AGENT
STEVEN Z. RABER, L.L.B. TRADE MARK AGENT

1700-360 MAIN STREET
WINNIPEG, MANITOBA
CANADA R3C 3Z3

Telephone (204) 947-1429
Facsimile (204) 942-5723
e-mail: info@adeco.com
web page: www.adeco.com

STANLEY G. ADE
(1947-1995)

OUR FILE: **80694-502/MRW**

YOUR FILE:

May 7, 2002

The Commissioner of Patents & Trademarks
2011 S. Clark Place
Arlington VA
22202-3661

Dear Sirs:

RE: USSN 10/059,080
Applicant: Edward O. Kenaschuk
HIGH LINOLENIC ACID FLAX

Responsive to the Notice to File Missing Parts of a Non-Provisional Application, we include herewith the filing fees, the additional claims fees and an executed declaration.

Regarding the rejections to the application, we note the following:

Page 12 was a blank page inadvertently inserted into the specification and has been cancelled.

Page 13 contained a figure not identified as such which was inserted into the specification. As discussed below, this page has been designated as Figure 3.

Page 24 was a blank page inserted into the specification in error and has been cancelled.

Page 26 was a blank page inserted into the specification in error and has been cancelled.

1.0059080-050802

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

T.D MP\$
Docket No.
80694-502

In Re Application Of: **Edward O. Kenaschuk**

Serial No.
10/059,080

Filing Date
01/30/2002

Examiner

Group Art Unit

Invention: **High Linolenic Acid Flax**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
03/08/2002
Date

Enclosed herewith for filing are the following:

- 200503080500
- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
 - ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
 - ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
 - ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
 - ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.

☒ Other (list):

Letter to USPTO regarding rejections to the application

Assignment Cover Sheet, Assignment, M.O. \$40.00

Specification, claims & abstract , Figures 1 through 3

Copy of page 4, Figure 1 and Figure 3 showing where the corrections were made.

Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)

Docket No.
80694-502

In Re Application Of: Edward O. Kenaschuk

Serial No.
10/059,080

Filing Date
01/30/2002

Examiner

Group Art Unit

Invention: High Linolenic Acid Flax

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

☒ Completion of application fees as calculated below:

☒ Utility application filing fee \$740.00

☐ Design application filing fee _____

☒ Total number of independent claims = 7 \$336.00

☒ Total number of claims = 24 \$72.00

☒ Multiple dependent claims \$280.00

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath \$130.00

☐ Petition and fee for filing by other than all the inventors or a person not the inventor _____

☐ Fee for processing an application filed with a non-English language specification _____

☐ Fee for processing and retention of application _____

Total completion of application fees \$1,558.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: _____ until: _____
Date Date

Total time extension fees _____

Total fees due \$1,558.00

Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)

Docket No.
80694-502

In Re Application Of: Edward O. Kenaschuk

Serial No.
10/059,080

Filing Date
01/30/2002

Examiner

Group Art Unit

Invention: High Linolenic Acid Flax

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of \$1,558.00 is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 01-0310
A duplicate copy of this sheet is enclosed.
☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.
A duplicate copy of this sheet is enclosed.



Signature

Michael R. Williams
Registration 45,333

Dated: May 7, 2002

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/059.080	01/30/2002	E.O. Kenaschuk	80694-502

23529
ADE & COMPANY
1700-360 MAIN STREET
WINNIPEG, MB R3C3Z3
CANADA

CONFIRMATION NO. 5731

FORMALITIES LETTER



QC000000007608742

Date Mailed: 03/08/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/09/2002 YPOLITE1 00000105 10059080

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00	OP
02 FC:102	336.00	OP
03 FC:103	72.00	OP
04 FC:104	280.00	OP
05 FC:105	130.00	OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$688.
 - \$72 for 4 total claims over 20.
 - \$336 for 4 independent claims over 3 .
 - \$280 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1558.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));
- The specification contains drawings or flow diagrams (37 CFR 1.58(a)). Formal drawings in accordance

with 37 CFR 1.81 should be submitted.

The following item(s) appear to have been **omitted** from the application:

- Page(s) **12,13,24 and 26** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (*37 CFR 1.17(h)*)) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (*37 CFR 1.17(h)*) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

D. W. W. W. W.
Customer Service Center
Initial Patent Examination Division

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE